

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DOLLY BELLE,

Case No. 2:19-cv-00077-JAD-GWF

Plaintiff,

ORDER

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

Defendants.

This matter is before the Court on Plaintiff's Motion to Extend Time (ECF No. 6), filed on March 27, 2019.

On January 18, 2019, Plaintiff filed an Application to Proceed *In Forma Pauperis*. ECF No. 1. The Court granted Plaintiff's Application to Proceed *In Forma Pauperis*. See ECF No. 4. The Court, however, refrained from screening Plaintiff's Complaint pursuant to 28 U.S.C. § 1915(e) because Plaintiff is proceeding *pro se* on behalf of her minor child and is the named Plaintiff in this matter. The Court instructed Plaintiff to retain counsel if she intends to litigate this matter and to advise the Court no later than February 15, 2019 if she will retain counsel. See *Tagle v. Clark Cty.*, 2016 WL 1064474, at *2 (D. Nev. Mar. 17, 2016), aff'd, 678 F. App'x 600 (9th Cir. 2017) (quoting *Johns v. Cty. of San Diego*, 114 F.3d 874, 877 (9th Cir. 1997) *see also Garcia*, 2013 WL 1500232, at *2. On March 21, 2019, the Court issued an order to show cause why Plaintiff's complaint should not be dismissed for failure to comply with this Court's prior order.

Plaintiff requests an extension of time to find representation for her minor child or for the Court to appoint counsel on behalf of her minor child. There is no constitutional right to the appointment of counsel in civil cases. *Ivey v. Bd. of Regents of Univ. of Alaska*, 673 F.2d 266, 269 (9th Cir. 1982). In determining whether counsel should be appointed, the court has discretion to

1 consider three relevant factors: (1) the plaintiff's financial resources; (2) the efforts made by the
2 plaintiff to secure counsel; (3) the meritoriousness of the plaintiff's claim; and (4) the ability of
3 the petitioner to articulate his claims pro se in light of the complexity of the legal issues involved.
4 *Id.* Plaintiff has not set forth the relevant factors to persuade the Court to appoint counsel. The
5 Court, however, finds good cause to grant Plaintiff's request to extend time. Plaintiff shall have
6 until **April 26, 2019** to advise the Court whether she will retain counsel on behalf of her minor
7 child. If unable to retain counsel, Plaintiff may file a renewed motion for appointment of counsel.

8 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Extend Time (ECF No. 6) is
9 **granted**, in part, and **denied**, in part, according to the provision herein.

10 || Dated this 28th day of March, 2019.

George Foley Jr.
GEORGE FOLEY, JR.
UNITED STATES MAGISTRATE JUDGE